IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

3:12-cv-00556
ge Nixon
istrate Judge Brown
J

<u>ORDER</u>

Pending before the Court is Plaintiff Japheth L. McAlister's Motion for Judgment on the Administrative Record ("Motion for Judgment") (Doc. No. 12), filed with a Brief in Support (Doc. No. 12-1). Defendant Commissioner of Social Security filed a Response opposing the Motion for Judgment (Doc. No. 19), and Magistrate Judge Brown issued a Report and Recommendation ("Report") recommending that the Motion for Judgment be granted in part and denied in part, and the case be remanded to the Commissioner for rehearing (Doc. No. 26 at 14). The Report was filed on September 19, 2013, and provided a period of fourteen days in which either party could file an objection. (*Id.*) On October 1, 2013, the Commissioner filed a Motion for a Stay Because of Lapse of Appropriations ("Motion to Stay"), requesting the Court stay all proceedings in this case until Congress appropriates money to the Commission to staff counsel for this case. (Doc. No. 27.)

The Court hereby **DENIES** the Motion to Stay (Doc. No. 27) and **ORDERS** the Commissioner to appropriately staff this case and comply with pending deadlines. However, as the Commissioner's Motion to Stay was filed during the time period for which either party was

allowed to file an objection to the Report, the Court further ORDERS each shall party shall have seven days from the entry of this order to file an objection to the Report.

It is so ORDERED.

Entered this the _____ day of October, 2013.

JOHN T. NIXON, SENIOR JUDGE UNITED STATES DISTRICT COURT